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COMPUTING INDUSTRY association

June 5, 1995

William F. Caton
Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Dear Mr. Caton:

Attached are Comments to the Federal Communications Commission from the Computing Technology Industry Association regarding the Notice of Proposed Rule Making in the matter of:

ET Docket No. 95-19 -
Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices

Respectfully submitted,

Andrew W. Dod
Director of Public Policy

Attachment

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List A B C D E

Comments to the
Federal Communications Commission
Washington, DC 20554

from the
Computing Technology Industry Association
450 East 22nd Street
Lombard, IL 60148

regarding the
Notice of Proposed Rule Making

In the Matter of
Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices
ET Docket No. 95-19

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I. About the Association

The Computing Technology Industry Association (hereinafter referred to as the "Association" or "CompTIA") is a national non-profit trade association representing more than 6,500 companies from all segments of the microcomputer industry. Segments include manufacturers, distributors, resellers, software publishers and related service companies. The mission of the Association is to promote business ethics within the microcomputer channel and to address issues that affect the competitiveness of the industry. The Association's headquarters are located in Lombard, IL with additional satellite offices in Charlotte, NC, Alexandria, VA, and Columbia, SC. The Association was founded in 1982 and was formerly known as ABCD: The Microcomputer Industry Association.

II. General Comments

The Association commends and congratulates the Federal Communications Commission (hereinafter referred to as "FCC") for its issuance of the subject Notice of Proposed Rule Making (hereinafter referred to as "NPRM") which proposes to streamline the equipment authorization requirements for personal computers and personal computer peripherals. Representing manufacturers of personal computers, personal computer peripherals, individual component manufacturers, as well as distributors, master resellers, resellers and Value Added Resellers (hereinafter referred to as "VARs") many of whom engage regularly or periodically in the assembly of modular personal computers, the Association believes that the proposals included in the NPRM will certainly impact the normal and customary business operations of our members. While the impact of the proposals included in the NPRM vary according to each industry segment, it is a fact that all industry segments will be affected in some fashion. For these reasons alone, the Association concluded that it is appropriate for it to submit comments concerning the subject NPRM.

III. Context of Comments

To fully appreciate the scope and focus of the Association's comments, it is necessary first to understand the context in which the Association offers these comments. The Association agrees with the general direction outlined by the FCC in the NPRM and believes that the equipment authorization process and related requirements can indeed be improved in a manner that both eliminates unnecessary and extraneous procedures from the equipment authorization process and sufficiently and adequately maintains needed protections against excessive radiated emissions and power line conducted emissions from personal computers and peripherals.

In an industry known for historic and seemingly constant and endless groundbreaking technology development, any impediment which stymies, thwarts, or even delays time to market for a personal computer or peripheral product puts in jeopardy the ability of a company to maximize its competitive position in domestic and global markets. In addition to manufacturers of personal computers, peripherals and components, distributors, master resellers and VARs that configure and integrate computing equipment into final units also have a stake in improving the equipment authorization process. Speed to market to service customer needs is of paramount importance to successful computing industry companies. Correctly instituted, applied and enforced, an improved equipment authorization process, we agree, could indeed generate several hundred million dollars in savings annually, spark the creation of new jobs within the industry, and, of particular import to smaller businesses, reduce unnecessary red-tape and burdensome regulations.

The context of our understanding is also shaped by the fact that the FCC has not, of late, experienced any significant or widespread non-compliance with the current equipment authorization process. (See NPRM Section 5: "Based on the current high rate of compliance and lack of significant interference from personal computers and their peripherals, we now believe it is possible to reduce the regulatory burden on manufacturers without compromising our objective of controlling interference from personal computing equipment.") Were such not the case and were non-compliance the norm rather than the exception, our perspective on the rationale and justification for the changes proposed in the NPRM would be necessarily affected and the comments offered herein would be adjusted accordingly. In general, however, companies are complying with the letter and spirit of the applicable equipment authorization regulations. Formerly documented instances of RF interference with garage door openers, air traffic control towers, television and radio signals in the 1960s, 1970s and early 1980s are completely or virtually non-existent now despite the fact the personal computers have proliferated into every sector of society. Research indicates that more than 17 million PCs were shipped in 1994 with close to 24 million expected to be shipped in 1996. Thus, although total shipments of PCs continues to grow at dramatic rates, compliance with FCC regulations is still the norm. Practically and effectively one may conclude, the computing industry is obeying the law with respect to RF emissions. One may deduce from this fact that wide-spread compliance is the result of proper education within the computing industry as to the regulations, assumption of ethical responsibilities with respect to RF emissions by the computing industry, and targeted and proper enforcement actions by the FCC against non-compliant equipment manufacturers. We do not believe that the NPRM or our

comments, if accepted by the FCC, would serve to jeopardize future FCC guideline compliance rates.

IV. Section - Specific Comments

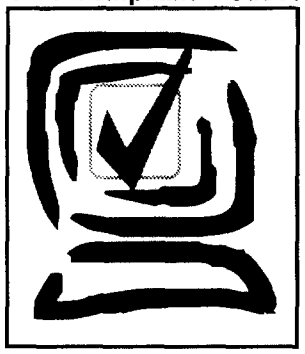
Section 6 - The Association believes that the new equipment authorization procedure based on a manufacturer's or supplier's declaration of conformity/compliance (DoC) is an acceptable alternative to, and an improvement over, the current equipment authorization procedure. We believe that the information required on the DoC is sufficient for the purposes of FCC oversight and compliance checks and would agree that 14 days is a sufficient time in which to provide the FCC with a copy of a DoC should it decide to institute this new equipment authorization procedure.

Cognizant that nearly all manufacturers and suppliers of computers and peripherals comply with the current equipment authorization procedures and that it is the stated intention of the FCC in the NPRM to reduce unnecessary regulatory burdens, a very strong case can be made for eliminating most, if not all, administrative record-keeping burdens on manufacturers and suppliers, including proposed DoC record keeping requirements. Proper education within the industry concerning relevant "self-certification" regulations and sustained effective enforcement actions against non-compliant manufacturers would seem to be sufficient to ensure that emissions from personal computers and peripherals are in accordance with FCC guidelines. Just as easily as instituting the new DoC procedures, the FCC could issue regulations that would require manufacturers to test equipment to ensure compliance with FCC guidelines and to allow manufacturers to attach appropriate labels to indicate such compliance. FCC officials could conduct random or targeted field audits to ensure that marketed products comply with FCC guidelines. Should FCC audits uncover non-compliant results, appropriate enforcement actions against the subject manufacturer could be applied with severe penalties reserved for manufacturers that willfully and intentionally "self-certify" equipment as compliant when testing has not be conducted or when test results indicate that the equipment is non-compliant, provided that the manufacturer is afforded an opportunity to respond to the FCC prior to the issuance of an enforcement action. This alternative procedure would still require manufacturers to test products to ensure compliance but would eliminate needless red-tape paperwork and record keeping requirements. Because products would be subject to random testing by the FCC, submission of so called "product queens" (ie. special product prototypes designed exclusively to generate acceptable testing results) would become a particularly dangerous business practice. We would also expect that the Federal Trade Commission would undertake appropriate investigations of manufacturers found to be willfully and intentionally marketing improperly labeled products.

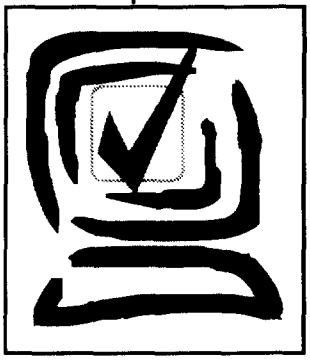
Section 7 - The Association concurs that "some sort of compliance labeling may be required" to indicate compliance with FCC emission guidelines. We believe that compliance labeling can be made more simple than it is now. Currently, FCC Part 15 compliance labels are essentially non-descript, virtually transparent and, for all practical purposes, of little meaning to the average consumer. We believe that over time, FCC labels should and can become less transparent to the average consumer, serving to make all consumers more aware of the need to purchase only equipment labeled "FCC

Compliant." We suggest that after manufacturers "self-certify" equipment, standard, generic stick-on or imprint labels be affixed to equipment to indicate compliance. We do not believe there exists any substantive need to require labels to indicate registration or product-specific code or category numbers. We believe that such labeling requirements would be of little if any benefit to consumers but be a cost factor for manufacturers.

Rather we suggest that the FCC establish a labeling requirement similar to the very successful "Intel Inside" or "Energy Star" Compliant sticker and label programs. Soon after instituting such a labeling requirement, "FCC Compliant" logos could become, we believe, a prominent feature within the computing industry's graphic lexicon. Based on a version of our Association's logo, we offer conceptual graphics below as suggested examples of what "FCC Compliant" labels could look like. Consumers would either know that computers or peripherals are "FCC Compliant" or learn that computers and peripherals should display such a logo before they make a purchase. Different colors could be used to differentiate products that are suitable for home or office use.



Suitable for Use in Home or Office



Suitable for Use in Office

Section 8 - We do not concur with the proposal to require that laboratories testing personal computers and personal computer peripherals be accredited by the National Voluntary Laboratory Accreditation Program (hereinafter referred to as "NVLAP"). The stated purpose of this NPRM is to reduce unnecessary and burdensome regulations while ensuring compliance with FCC emission guidelines. We believe this goal can best be achieved by making accreditation by NVLAP a voluntary program about which labs will make market-based decisions on the need for such accreditation. Rather than compelling labs to obtain expensive accreditation through NVLAP, we believe that the FCC should conduct field audits of those labs that the FCC determines, as a result of its periodic product audits, have issued erroneous test results. Penalties could be assessed on labs that willfully and intentionally issue erroneous test results.

Section 9 - Should the FCC ultimately decide to proceed with the NVLAP requirement, we would suggest that the option of obtaining FCC certification for personal computers and peripherals be extended for a period of four (4) years rather than two (2) to ensure a smooth transition to the new system. This four (4) year period will afford more labs to become NVLAP accredited thereby offering manufacturers additional options for testing labs.

Section 10 - As outlined above, we concur with the FCC's intention to increase examination and testing of sample equipment on the market.

Section 11 - We offer no comments.

Section 12 - We offer no comments.

Section 13 - The substance of our comments with respect to this Section 13 are included in our comments, Section 6.

Section 14 - We offer no comments.

Section 15 - We offer no comments.

Section 16 - We offer no comments.

Section 17 - We offer no comments.

Section 18 - We support the proposal to allow any party to integrate personal computer systems using authorized components or to interchange components in existing personal computer systems without the need to retest the resulting system, provided the assembly instructions provided with the components are followed.

We are, however, concerned that the proposal to require the assembler to issue a new DoC indicating the basis on which compliance was ensured includes extensive documentation requirements. With between 7,000 and 10,000 products suitable for integrations and separate configurations from various vendors, domestic and foreign, the file and record keeping requirements created as a result of the long list of items that must be included in the new DoC would be nothing less than a nightmare. Frankly, we see no compelling need to institute such a regulatory burden on assemblers. Assemblers may, in fact, choose to maintain such detailed records and documentation for their own purposes, but we do not believe that the FCC should compel such record-keeping. Rather, we suggest that the FCC consider as "good faith compliant" such completed assemblies containing only authorized components (ie. CPU, power supply and enclosure). That is, if the CPU, power supply and enclosure each have been authorized by the FCC and are labeled as such by the original manufacturer, than a completed assembly with such authorized components shall be assumed to be "FCC Compliant." We understand in suggesting this concept that certain final assemblies may be marketed as "FCC Compliant" when they, in fact, are not, but we do not believe that these rare exceptions warrant such an onerous record keeping burden on all assemblers. Further, in cases where final assemblies are marketed as "FCC Compliant" when they are not, in fact, compliant, we believe the FCC should attempt to determine if one or more of the individual components within the completed assembly was improperly authorized and take appropriate enforcement actions against the original manufacturer.

Section 19 - We offer no specific comments or suggestions with respect to proper testing procedures to ensure compliance with FCC standards but do concur with the statement in the NPRM: "The shielding, grounding and filtering techniques used in the design of a personal computer system can be critical in determining whether the system complies with